

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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In re

MICHAEL FISCHMAN AND  
SHOSHANNA FISCHMAN

Debtors,

ORDER OF DISMISSAL  
10-CV-5934 (PKC)

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PAMELA K. CHEN, United States District Judge:

This appeal from an order of the United States Bankruptcy Court for the Eastern District of New York was filed on December 21, 2010, and was initially assigned to District Judge Nicholas G. Garaufis. On April 18, 2013, this action was reassigned to the undersigned. Since the one-hundred twenty (120) day period for service of the complaint specified in Fed. R. Civ. P. 4(m) elapsed on March 21, 2011, I issued an Order directing plaintiff to show cause by September 2, 2013 why this action should not be dismissed for failure to prosecute. (August 2, 2013 Order.) To date, plaintiff has failed to do so and has otherwise failed to respond to the show cause order.

I therefore, *sua sponte*, dismiss this action pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. *See also Link v. Wabash R. Co.*, 370 U.S. 626, 630 n. 3 (1962) (“The authority of a court to dismiss *sua sponte* for lack of prosecution has generally been considered an ‘inherent power,’ governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs as to achieve the orderly and expeditious disposition of cases.”).

SO ORDERED:

/s/ Pamela K. Chen  
PAMELA K. CHEN  
United States District Judge

Dated: September 6, 2013  
Brooklyn, New York